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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/082,248
Filing Date: February 26, 2002
Appellant(s): ROWLEY ET AL.

NIDHI CHOTANI
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 11, 2009 appealing from the Office action mailed December 10, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,941,105

ROWLEY et al

9-2005

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

RESPONSE TO AMENDMENTS

Claims 1-26 have been cancelled.

Claims 27-46 are pending examination.

RESPONSE TO ARGUMENTS

Applicant's arguments with respect to claim 27-46 have been considered but are moot in view of the new ground(s) of rejection.

ALLOWABLE SUBJECT MATTER

Claim 41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claim 41 claims: *the system of claim 36, wherein the virtual machine launcher is operable to register configuration information and the course information with the course database, the configuration information including a unique identifier for the virtual machine launcher and a port number for the remote display server to accept session connections, the course information further including a list of courses associated with the virtual machine launcher.* The limitations of claim 41, including the limitations of the parent claim 36, are not expressly taught or disclosed by the prior art. Specifically, the prior art fails to explicitly teach “course information further including a list of courses associated with the virtual machine launcher”. Although the cited prior art teaches virtual machines associated with and launching the course information, the cited prior art fails to explicitly teach that maintained configuration information of the virtual machines includes a unique identifier for the virtual machine, a port number for the remote display server’s session and a list of courses associated with the virtual machine. For these reasons, the Examiner finds the language of claim 41 allowable over the prior art.

CLAIM REJECTIONS - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2444

Claims 27-40 and 42-46 are rejected under 35 U.S.C. 102(e) as being anticipated by *Rowley et al* (US 6,941,105).

a. Per claims 27, 36 and 42 (differ only by statutory subject matter), *Rowley et al* teach a computer implemented method for enabling a plurality of users to remotely perform one or more respective exercises using the plurality of respective client systems, the method comprising:

- storing in a course database course information including a list of exercises, and for a given exercise one or more virtual machines associated with the exercise (*Abstract, col.1 line 47-col.2 line 20, col.4 lines 30-35—database stores course information with lists of exercises and associated virtual machine*);
- receiving a request to connect to a remote server from at least one user (*Abstract, col.2 lines 61-65*);
- accessing the course database to determine one or more courses associated with the user (*col.2 lines 65-67*);
- transmitting a list of courses associated with the user to the respective client system associated with the user (*col.2 line 67-col.3 line 5, col.6 lines 35-52*);
- receiving a selection of at least one of the courses in the course list from the user (*col.2 line 41, col.3 lines 1-2*);
- accessing the course database to determine the one or more exercises associated with the selected course (*col.3 lines 3-5, col.6 lines 35-41*);
- transmitting a list of exercises, associated with the selected course to the respective client system associated with the user (*col.6 lines 40-41 and 59-67*);
- receiving a selection of at least one of the exercises in the transmitted exercise list from the user (*Abstract, col.3 lines 1-13*);
- accessing the course database to determine at least one virtual machine associated with the selected exercise (*Abstract, col.1 line 63-col.2 line 4*);

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- launching the virtual machine associated with the selected exercise, wherein the launched virtual machine generates a user interface for performing the selected exercise (*Abstract, col.1 lines 49-62*); and
- transmitting a view of the user interface to the respective client system associated with the user, wherein the user performs the selected exercise by remotely interacting with the virtual machine via the view of the user interface (*Abstract, col.5 line 52-col.6 line 31, col.6 line 59-col.7 line 11, col.7 lines 16-20*).

Although *Rowley et al* fail to explicitly teach the accessing, transmitting, receiving and launching features are made remotely, it is inherent that these steps are performed on separate remote machines. The mere fact that the course material is stored onto a server/virtual machine and accessed by the user at a another machine that loads the course data from the server/virtual machine (*col.5 lines 16-65*), implies that the loading and accessing of the course data is done "remotely".

b. Claims 32 and 46 contain limitations that are substantially similar to claims 27, 36 and 42 and are therefore rejected under the same basis.

c. Per claim 28, *Rowley et al* teach the method of claim 27, as applied above, and further teaches a client system that displays the course and exercise information transmitted from the exercise loader module (*col.1 lines 49-62, col.3 lines 1-16*). The client system comprising a web browser and a viewer application for displaying the view of the user interface is inherent in a network communications where a client has a connection to the Internet and a monitor for displaying content on a graphical user interface.

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d. Per claim 29, *Rowley et al* teach the method of claim 27, further comprising: transmitting, by a remote system, a page to the client system, the page including at least one selectable user interface element associated with the launched virtual machine; and receiving a selection of the at least one user interface element from the user (*Abstract, col.5 line 52-col.6 line 31, col.6 line 59-col.7 line 11, col.7 lines 16-20*).

e. Claims 33, 39 and 43 are substantially similar to claim 29 and are therefore rejected under the same basis.

f. Per claim 30, *Rowley et al* teach the method of claim 29, further comprising generating the view of the user interface in response to receiving the selection of the user interface element (*Abstract, col.5 line 52-col.6 line 31, col.6 line 59-col.7 line 11, col.7 lines 16-20*).

g. Claims 34 and 44 are substantially similar to claim 30 and are therefore rejected under the same basis.

h. Per claim 31, *Rowley et al* teach the method of claim 27, further comprising launching a remote display server to handle a session with a viewer application at the client system, the viewer application displaying the view of the user interface to the user, the remote display server refreshing the view in response to the user interacting with the view of the user interface during the session (*col.4 line 5-col.5 line 15*).

i. Claims 35 and 45 are substantially equivalent to claim 31 and are therefore rejected under the same basis.

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j. Per claim 37, *Rowley et al* teach the system of claim 36, wherein the virtual machine launcher runs on the selected computer system onto which the selected course is installed (*col.5 line 43-col.6 line 48*).

k. Per claim 38, *Rowley et al* teach the system of claim 36, wherein the system is further operable to access the course database to determine the virtual machine associated with the selected course (*col.5 lines 26-40, col.6 lines 1-18*).

l. Claim 40 is substantially similar to claims 30 and 31 and is therefore rejected under the same basis.

(10) Response to Argument

- A. Appellant argues that cited prior art *Rowley* fails to disclose “at least a method wherein a user connects to a remote system using his respective client system” and “various claimed operations involved in remotely performing one or more exercises.**

Examiner respectfully disagrees. As stated in the rejection of independent claims 27, 36 and 42, although *Rowley et al* fail to explicitly teach the accessing, transmitting, receiving and launching features are made remotely; it is inherent that these steps are performed on separate remote machines. The mere fact that the course material is stored onto a server/virtual machine and accessed by the user at a another machine that loads the course data from the server/virtual machine (*col.5 lines 16-65*), implies that the loading and accessing of the course data is done "remotely".